UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,644	12/22/1999	ALLAN R. GRIEBENOW	065446.0128	5227

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EXAMINER
PHILIPPE, GIMS S

ART UNIT	PAPER NUMBER
2621	

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/469,644	GRIEBENOW, ALLAN R.
	Examiner	Art Unit	
	Gims S. Philippe	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 December 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 13-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11, 13-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

After an appeal conference, the prosecution of application no. 09/469,644 was re-

opened and the amended claims have been entered. The applicant's arguments are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-7, and 12-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Nerlikar (US Patent no. 5,629,981) in view of Vaios (US Patent no.

6,271,752).

Regarding claims 1, and 15-20, Nerkilar discloses a method for providing remote

monitoring services (See Nerlikar col. 1, lines 7-11, col. 3, lines 1-14). The method

comprising receiving and storing radio frequency identification (RFID) data from an

RFID system in a remote facility of a subscriber (See Nerlikar Abstract, col. 3, lines 63-

67 and col. 4, lines 1-10), receiving and storing video data from a video system at the

facility (See Nerlikar col. 6, lines 43-55), providing the subscriber with access to the

stored RFID and video data (See Nerlikar col. 6, lines 34-42, and lines 56-62),

processing the RFID data to generate a report for the subscriber (See Nerlikar col. 7,

lines 59-67 and col. 8, lines 1-14).

It is noted that although Nerlikar provides the subscriber with access (See

Nerlikar col. 18, lines 6-32), it is silent about providing the subscriber with access to and

control of a video camera in the video system facility.

However, Vaios discloses a monitoring system including the steps of providing a

subscriber with access to and control of a video camera in the video system facility (See

Viaos fig. 1, items 6 and 8, and col. 3, lines 57-67, col. 4, lines 1-4 and lines 61-65).

Therefore, it is considered obvious that one skilled in the art at the time of the

invention would recognize the advantage of modifying Nerlikar access controller by

incorporating Vaios' access to and control of the video camera in the video system

facility. The motivation for performing such a modification in Nerlikar is to enable the

end-user to access remotely a security surveillance or other video system area and

appropriately monitor and operate this desired area as taught by Vaios (See Vaios col.

1, lines 55-63).

As per claim 2, most of the limitations of this claim have been noted in the above

rejection of claim 1. In addition, the combination of Nerlikar and Vaios further suggests

providing the subscriber with access wherein the video information is received over the

Internet (See Nerlikar col. 4, lines 22-24 or Viaos col. 4, lines 61-65).

As per claims 3-4 and 6-7, most of the limitations of this claim have been noted in the above rejection of claim 1.

It is noted that Nerlikar is silent about determine whether an alert condition exists and notifying the subscriber if an alert condition exists, and wherein the alert is a subscriber defined alert.

However, Viaos discloses processing the data to determine whether an alert condition exists and notifying the subscriber if an alert condition exists, and wherein the alert is a subscriber defined alert (See Viaos' Abstract, col. 4, lines 5-34, lines 61-65, and col. 6, lines 9-12).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Nerlikar's access control method by incorporating Vaios step of processing the data to determine whether an alert condition exists and notifying the subscriber if an alert condition exists, and wherein the alert is a subscriber defined alert. The motivation for performing such a modification in Nerlikar is to give the keep end user who is changing location informed of an emergency as taught by Vaios (See Vaios col. 1, lines 55-63 and col. 2, lines 26-41).

As per claim 5 and 21-23, most of the limitations of this claim have been noted in the above rejection of claim 3.

It is noted that Nerlikar is silent about generating an e-mail to subscriber as specified in the claims.

However, Viaos discloses generating an e-mail to the subscriber (See Viaos col. 4, lines 5-14).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Nerlikar's access control method by incorporating Vaios step of generating an e-mail to the subscriber. The motivation for performing such a modification in Nerlikar is to give the keep end user who is changing location informed of an emergency as taught by Vaios.

As per claims 13-14, the combination of Nerlikar and Vaios further teaches an operating software providing resource allocation and computational mechanism, with the time and attendance of the subscriber which occurs at the time of programming a handshaking step as disclosed in Nerlikar 60-67 and col. 12, lines 1-12.

3.   Claims 8-11, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nerlikar (US Patent no. 5,629,981) Vaios (US Patent no. 6,271,752) as applied to claims 1 and 15-20 above, and further in view of Aviv (US Patent no. 6,028,626).

As per claims 8-11, and 24, most of the limitations of this claim have been noted in the above rejection of claim 1.

It is noted that although Viaos discloses a polling event (See Viaos col. 3, lines 24-41, col. 4, lines 47-61), the proposed combination of Nerlikar and Vaios is silent

about the use of the RDIF to poll when dealing with a specific pre-defined time and periodic event as specified.

Aviv discloses using RDIF to poll when dealing with a specific pre-defined time and periodic event (See Aviv col. 9, lines 25-37, lines 60-64, and col. 8, lines 48-67).

Therefore, it is considered obvious that one skilled in the art at the time of the invention would recognize the advantage of modifying Viaos' polling step of the remote monitoring method by incorporating the step of using RDIF to poll when dealing with a specific pre-defined time and periodic event. The motivation for performing such modification in Viaos is to provide a cost efficient monitoring system, which depends on the level of security of a specific location as taught by Aviv (See Aviv col. 8, lines 45-51).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gims S. Philippe whose telephone number is (571) 272-7336. The examiner can normally be reached on M-F (10:30-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dastouri S. Mehrdad can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Gims S Philippe
Primary Examiner
Art Unit 2621

GSP

March 31, 2006